WASHINGTON, D. C.

KANSAS-THE LECOMPTON CONSTITUTION. SPEECH OF HON. SOLOMON FOOT. OF VERMONT.

IN THE SENATE OF THE UNITED STATES, MARCH 20, 1858.

The Sena e, as in Committee of the Whole, having the consideration the bill for the admission of the State of Kansas into the Union—

Mr. FOOT said :

Mr. President, I oppose the introduction of Kansas into the Union under the Lecompton Constitution. I oppose the enforcement of that Constitution upon the people of Kansas. It is not the expression of their will. It is not their free act and deed. It is not the work of their free act and deed. It is not the work of their hands. They are not only unwilling to accept it, they are not only unwilling to come into the Union under it, but they utter their most solemn protest against the bonds. As an institution of State Government, the Lecompton Constitution was not formed in obedience to the will of the people of Kansas, nor in pursuance of their authority, nor yet in pursuance of any legal authority whatever. It is only the product, the authority whatever. It is only the product, the States, by old party lines, or by geographical lines. consummation of a long series of acts of usurpation, violence, and fraud; of artful devices, and unmitigated outrage, the like whereof this owned, and with the stamp of the popular rep-robation and rejection branded upon its fore-head. This is the Lecompton Constitution. Shall it be imposed upon an unwilling and proized to speak in this august presence, though it may be with feeble and unbecded voice, I enter my earnest and perpetual protest against the consummation of this great iniquity.

And now here, Mr. President, before pro-

ceeding further, let me say—and I rejoice in being able to say—that the question before us, the momentous question before us, is not alto-gether a party question; that it is by no means exclusively a sectional question. It is, more properly speaking, a question of popular rights; a question of the right of self-government; the right of the people to be heard in the framing, and to be consulted in the adoption or ratification, of the fundamental law under which they are to be initiated into the Union of States, and under which they are to be governed. This question rises higher and far above the mere partisan questions of the day. It expands and reaches out far beyond any of the mere local or sectional questions which so unhappily divide and alienate us from the ties of political and social brotherhood. In opposition to this measure of imposing a Constitution upon a people who had no voice in its framing, and hich they utterly repel and repudiate, I, sir, as a Republican, join hands with the main forces of the Northern Democracy. I join hands in this opposition with the leading menthe strong, bold men; yea, sir, with the giants of that party at the North, who have led your hand, and borne away the prize in triumph, with honored and trusted men; ay, sir, and with Pro-Slavery men, yet honorable and patriotic men, of the South. I join hands in resisting this wrong against human rights, with you Walkers and your Stantons and your Wises of the South; and, I rejoice to add, with your Bells and your Crittendens too-men whose fidelity to the interests and the honor and to the institutions of the South you will not be likely to impugn, and whom you will hardly venture to stigmatize as "miserable fanatics and Aboli tionists," as you are sometimes wont to do with flippant tongue—and senseless and un-heeded as flippant—all Northern men who fail to yield a ready and willing obedience to the

I will further remark, in this connection, that ical or sectional divisions which prevail in the country at large. The people of Kansas, so far as there is any political division among them, are divided upon the question whether it shall be a free State or a slaveholding State. Hence the only recognised parties there are distinguished and designated as the Free State and the Pro-Slavery parties. And the Free-State party, which embraces at least three-fourths of the population of the Territory, is by no means composed exclusively of those who sympathize try; but it embraces a considerable portion o those who sympathize and have always been identified with the Democratic party of the country. Nor is the Free-State party by any means composed exclusively of those who came from the Northern States; but it embraces a the Pro-Slavery party in Kausas is not composed exclusively of those who came there from the slaveholding States; but it embraces many, quite too many, who went there from the free States; and among them some who have her prominent and leading actors in the scenes been perpetrated with impunity upon the Free State people of that Territory. houn, late President of the Lecompton Convenparty in Kansas, who had the manipulation of the returns of the January State election, and who will probably let the world know the result just when he gets ready, is a Northern man, originally, as I understand, from the State of Massachusetts. Governor Ransom, the late candidate of the Possibary party for Delgate to the House of Representatives in Congress, was originally from my own State, and more recently from Michigan, where he had filled the offices of Judge of the State, and then terminated his political career in that State as a defeated Democratic Free-Sit and then terminated his political career in that State as a defeated Democratic Free-Sit and then terminated his political career in that State as a defeated Democratic Free-Sit and then terminated his political career in that State as a defeated Democratic Free-Sit (Prom Michigan, where he had filled the offices of Judge of the State, and then terminated his political career in that State as a defeated Democratic Free-Sit (Prom Michigan, where he had filled the offices of Judge of the State, and then terminated his political career in that State as a defeated Democratic Free-Sit (Prom Michigan, where he had filled the offices of Judge of the State, and then terminated his political career in that State as a defeated Democratic Free-Sit (Prom Michigan, where he had filled the offices of Judge of the State, and then terminated his political career in that State as a defeated Democratic Free-Sit (Prom Michigan, where he had filled the offices of Judge of the State, and then terminated his political career in that State as a defeated Democratic Free-Sit (Prom Michigan, where he had filled the offices of Judge of the State, and the terminated his political career in that State as a defeated Democratic Free-Sit (Prom Michigan, where he had filled the offices of Judge of the State, and the notions Delaware Crossing fraud, I am informed, were all Northern men. The very worst class of the had political political political political political political polit

would be promoted by the exclusion of Siait seems to have been quite forgotten that, But, what is more significant stillin the case of the admission of Michigan, so men and leaders in these wrongs and
that these Southern men had any prejudice

been rejected by a regular Delegate Convens cency blush, instead of receiving any

country had never before witnessed within its borders. It was literally "conceived in sin and brought forth in iniquity." And now Conand brought forth in iniquity." And now Congress is invoked to legitimate this unnatural bantling, and to force its recognition upon a people who disown it, who spurn it, and turn their backs upon it with indignant scorn and disgust, as the offspring of violence and dishonor. They have expressed their abhorrence and reproduction of it is every possible least. honor. They have expressed their abhorrence and repudiation of it in every possible, legal, and authoritative form. They have repudiated it by the popular vote and by legislative protestation. It is now brought into our presence here, in all its deformity, discredited and discovered, and with the stamp of the popular reproduction and rejection branded upon its fore. said disappointment. This issue is urged on by the Administration, against the voice of remon-strance and of warning from the great body of the Democracy of the North, and from many Shall it be imposed upon an unwilling and pro-testing people? In the name of justice and freedom and self-government; in the name of the persecuted and down trodden and subju-gated people of Kansas; in the name of the gated people of Kansas; in the name of the sovereign State and equal copartner in this with which this obnoxious measure is urged on Union of ours, in whose behalf I am author- by the Administration, we are furnished with another and striking exemplification of the ancient adage, "whom the gods would destroy, they first make mad."

But, Mr. President, the material question

presents itself to our consideration—is this Le-compton Constitution the act and deed of the people of Kansas? Do they give it the sanc-tion of their approval? Sir, I undertake to say, what the whole country knows full well to be true, that this Constitution is not the act and deed of the people of Kansas, and does not receive the sanction of their approval. And by the people of Kansas, I mean the majority e great mass of her bona fide inhabitantsor, to speak perhaps with more technical accuracy, the majority of her legal voters. I undertake to say that this Constitution is but the result, the bitter fruit, the logical sequence, if you lense, of a systematic scheme of violence and and, by which the people of Kansas have been ursued, trodden down, and deprived of their common rights as citizens and freemen; and by which a small, unprincipled, and unscrupulous minority have been able to usurp and to wield all the powers of the Territorial Government. Sir, I will not weary this body by a recital of the oft-told tale of the wrongs and injuries, the subjugation and the persecution of the people of Kansas. They are all familiar to the country, cr, at least, to those who are willing to know the truth of what it answers a better purmighty hosts in many a field of contest; and pose, for the moment, in others to deny. It is who, more than once, when success or defeat enough for this occasion to say, that this dynashung doubtful and trembling in the scale, have grasped your standard with their own strong counties of a neighboring State, at the first Terand laid the crown of victory at your feet. As ritorial election, on the 30th day of March, a Northern man, I join hands in opposing this by force and violence, entirely out of istorical. It stands upon the authority of the controvertible testimony of Governor Reeder, National House of Representatives, upon com-mon notoriety, and upon the admissions of the avading parties themselves, when, upon their eturn to Missouri on the following day, accordng to the account given by their own organ. ith music and banners, and loud huzzas, making public and boastful proclamation that "they had made a clean sweep of the Kansas elec-tion." Well, sir, they did make a clean sweep of that election. I am quite tempted to ask here, what if the people of Pennsylvania should some time, by preconcert, and in organized and armed companies, rush into Delaware or Maryland or Virginia, on election day, and "make a clean sweep" of their legislative election? I put the question, and leave it, unanswered, for your contempletion. I leave the question to be answered by those who deny our right to iner or authority to apply any correction or any means of prevention. I will only remark, by the way, that the case of a Territory, being un-der the peculiar care and guardianship of the

> With that spurious Territorial Legislature, was inaugurated a reign of usurpation and of tyranny over the people of that Territory, which has no parallel in the history of the country, God liveth, no power on earth shall be ble to and which has been maintained by a corresponding system of fraud and violence, with the potism. If the voice of my counsels could reach cuntenance and connivance, of the Federal sun goes down in lurid light upon the hate not one "jot or tittle" from the full all slaves."

A system of terrorism was thus established, way of episode, in response to the charge ander which the most flagrant outrages were bellion, as applied to the action of the under which the most flagrant outrages were practiced with impunity upon the proscribed State people of Kansas. By t now, ho, is Free-State people of Kansas. All protests with the other side? How is it with be n

through the agency of Northern men. Let the responsibility and the accountability rest where they belong.

The late Secretary and acting Governor of the Territory, himself, informed me that, upon going to Kansas and becoming acquainted with the people, and with the condition of parties there, and with their opinions and sentite there, and with the condition of parties there, and with their opinions and sentite there, and with the condition of parties there, and with the people at large, was ratified by the population of parties there, and with the condition of parties there, and with the people at large, was ratified by the population of parties the parties t

operation in the principles of the liquid become an extracted indicestanding that they was a fair submitted of all beautiful to the principles of the principles of the principles of the liquid become the control of the principles of the principles of the liquid become the principles of the liquid become the principles of the liquid become the principles of the principles of the liquid become the principles of the principles of the principles of the liquid become the principles of the principle hibited a more extraordinary as I long or curing forbearance? Had they taken speed vengiance into their own hands, and drive these lightess maranders from the Tirritory, I del-vered them over to the tende mercies of fire and fagot," they would have stood ar roved and justified before God and a mankin . Rebels, are they? So, then, were the athers and their compatriots of the A nerican Fevolu-

ermore, to such rebels and to such re ellion. ave, and all that we are, and all that re can ope to be on earth, which is worth living for, or worth dying for. Sir, the active op rative Frinciple of just such rebelli n has be in the rigin and laid the foundation of all free Govnments. The living principle of jur such th times to come, the redempt on of dos, trod-en humanity from the bonds, e of opposion, and from the tread of a deal and due b and lind despotism. It is the spiri which as mates. ast such a rebellion which is to wake up the actions of the Old World from the stup , and to dispel the thick darkness which have hung apon them through a long po ar night of despotism. It is the spirit, though yet silest and fuseen it may be, before whos resistless power the rotten and crumbling dyna ties of the earth, tow grim and hoary with the 'ge and with the now grim and hoary with the 'ge and with the arimes of departed generation', are yet to fall, and no more to plague the na ions of m.n. It is this spirit which is to arous the slun bering and oppressed millions of the earth to a new and a higher life—to the assestion and realization of God's own gift to man—his inal mable right to freedom, independer ce, and a df-gov-rnment. Sir, I commend this spirit in the people of Kansas. Call then rebels, if you lease ; persecute them ; opr less them is you may; yea, annihilate them if ou can; if it you

Administration, and with the aid of Federal ble dwellings, it should be, "stand irm;" roops, from that day to the parturition of the "make no dishonorable con essions to asurptice compton Convention; and this usurpation, ation and tyranny;" "demand justic, and nothing less than justice." If that be fenied compton Constitution. Knowing whereof I speak, and to whom and of whom I speak, I last," then, "better die all f cemen, it in live

- So much, begging pardon, dr. President, by

upon the people, nor claim allegiance from them. Moreover, the majority were not allowed the privilege of voting if they would. They were not allowed the privilege of wresting the power from the hands of the usurpers in this way. They did not vote, simply because they were driven from the polls that first Territorial election they did not vote, because they were driven from the polls by force of arms. At the second Territorial election, in October, 1856, they did not vote, because they were denied the exercise of the right of suffrage by test-oaths and other unconstitutional and tyrannical restrictions, imposed before experienced, and to say nothing of their indisposition to do any act which could be tor-

tured into a recognition of the authority of the But, aside and independently of all these considerations, they had the assurance of Governor Walker and Mr. Secretary Stanton, speaking by authority of express and explicit States and his Cabinet, that the Constitution, when framed, should be submitted to a direct vote of all the bona fide inhabitants of Kansas, for ratification or rejection. This pledge was given over and over again, in the most solemn and positive manner, by the President and his Cabinet; by the organs of the Administration throughout the country; by Governor Walker and Mr. Stanton, through their official instructions and by public proclamation; by a portion, at least, of the candidates for the Convention themselves, and by the press of all parties in Kansas. This was the universal understanding, not only in Kansas, but throughout the

Mr. GREEN. Will the Senator give way, to allow me to make a request of him?

Mr. FOOT. Certainly.

Mr. GREEN. My request is, that the Sens.

tor will produce, as I may, perhaps, hereafter make some remarks on the subject, the evidence to show that Mr. Stanton ever gave that assurance while he was the Acting Governor; that Governor Walker ever gave that assu-rance; that the President ever gave that assu-rance; that the law which clethed the Convention with authority to form a Constitution ever gave that assurance; or that the people themselves ever understood there was such an assu-rance. If the Senator will produce that evidence, I shall have something to answer whe the time comes.

Mr. FOOT. The reason I have not already done it, is because I thought it a work of su-pererogation. That evidence has been incorporated into more than a dozen speeches already made on this floor; and that is the reason why I have not taken up the time of the body by producing it, and reading it to the Senate. But if it be desired by the Senator, before this debate shall close, I will procure that evidence and read it again. I have not the documents now before me.

Mr. COLLAMER. Here is the report of the

hands the report of the honorable Senator from Illinois, chairman of the Committee on Territo-ries, from which I will read the following extracts, which fully maintain my assertion, and I hope will be quite satisfactory to the Senator from Missouri on the point of his inquiry. "The President, in his instructions to Gov.

Walker, through his Secretary of State, under date of March 30, said :
" When such Constitution shall be submitted to the people of the Territory, they must be protected in the exercise of their right of voting for or against that instrument, and the fair expression of the popular will must not be inter-rupted by fraud or violence.'

rupted by fraud or violence."
"Governor Walker, in an official dispatch
to the Secretary of State, under date of June 2, said:
" On one point the sentiment of the people

is almost unanimous—that the Constitution must be submitted for ratification or rejection to a vote of the people, who shall be bona fide residents of the Territory next fall."

"And in his inaugural address to the people of Kansas, Governor Walker said:

of Kansas, Governor Walker said:

"'With these views, well known to the President and Cabinet, and approved by them, I accepted the appointment of Governor of Kansas. My instructions from the President, through the Secretary of State, under date of 30th of March last, sustain "the regular Legislature of the Territory in assembling a Convention to form a Constitution," and they express the opinion of the President, that when such Constitution shall be submitted to the people of the Territory, they must be protected in the exercise of their right of voting for or against that instrument; and the fair expression of the popular will must not be interrupted by fraud or violence.

violence.
"'I repeat, then, as my clear conviction, that unless the Convention submit the Constitution at all events; and for a Pro-Slavery that unless the Convention submit the Constitution, at all events. Indeed, if a Freetuion to the vote of all the actual resident settlers of Kansas, and the election be fairly and quietly conducted, the Constitution will be and the hellot "Constitution and Slavery Consistent with his feelings and his principles are the hellot "Constitution and Slavery Consistent with his feelings and his principles are the hellot "Constitution and Slavery Constitution at all events; and for a Pro-Slavery Constitution at all events; and for a Pro-Slavery Constitution, at all events; and for a Pro-Slavery Constitution, at all events. Indeed, if a Free-State man were to vote at all, it would be more than the constitution at all events.

even the delegates themselves, were too strong-ly and too publicly and notoriously committed

to a submission of the Constitution to a direct vote of the people, for approval or rejection, to be altogether overlooked or disregarded. Some plan, some divice, must be contrived, by which practiced upon the people of Kansas; notat least to save appearances—to save some appearance of consistency and of common honesty, and, at the same time, to save this boyus Constitution. The recent Territorial election had made it very apparent, that if the Constitution was submitted to the people, it would be rejected by an overwhelming vote; and yet, it would hardly do to withhold it altogether from them, after the whole party, from the President of the United States down to the President of the Lecompton Convention, had pledged themselves before the world that it should be submitted to the popular vote. So a cunning device was hit upon, by which mock the people with an appearance of sub-mitting the Constitution to them, and, at the same time, making it impossible to cast a vote against it. No knave ever hit upon a more artful scheme by which to cover his own villainy and to delude the public. The device furnishes a mere pretext of having done what

everybody had promised should be done; when, in fact, nothing of the kind has been done. The plan contrived for the pretended submission of the Constitution was this: Two kinds of ballots, and only two kinds, were to be used: one of which was endorsed "Constitution with Slavery;" the other, "Constitution with no Slavery." These were the forms pre-scribed by the Convention, and these were the only ballots that could be cast. A more artful piece of legerdemain was never contrived by people could only vote for the "Constitution with Slavery," or for the "Constitution with no Slavery;" but for the Constitution, at all events, if they voted at all. No man, who voted at all. could vote against the Constitution. But it is said and insisted that the question of Slavery or no Slavery was fairly submitted to the people; and that being the great question in cor ple; and that being the great question in controversy, that the pledge to submit the Constitution to the people was virtually answered. But, sir, the question of Slavery—the question whether Kansas should be a free or slave State—was not submitted to the people. Now, let us look a little further into this trick, by which it is pretended that the Slavery question was submitted to the people, when, in fact, it did no such thing.

Mr. COLLAMER. Here is the report of the Senator from Illinois, [Mr. Douglas,] containing some extracts from the instructions of the President to Governor Walker on this point, and from Governor Walker's inaugural address.

Mr. FOOT. My colleague places in my hands the report of the honorable Senator from Illinois, chairman of the Committee on Territo-Illinois, chairman of the Committee on Territo-I But, if a majority of the ballots cast were for the "Constitution with no Slavery," then the Constitution was still to stand as it was framed, except that the seventh section, which author izes the future importation of slaves into the State, was to be stricken out. This was the only change that was to be made in the Conetitution, in case a majority of the people voted the ballot "Constitution with no Slavery." Now, observe—and here is the trick—that, although the seventh section should be stricken. out, the Constitution still provides, in the schedule—which was not to be, and could not be, stricken out by any vote of the people, under the prescribed form of ballot—that "the right of property in slaves now in the Territory shall no manner be interfered with;" provision was to be retained, although a major-ity of the ballots cast should be, "Constitution with no Slavery!" And, besides, the seventh section contained some excellent and human Constitution. It provided, among other thing for the proper care and treatment of slaves, at for their future emancipation, with the conse of their owners; but no such provision is may in any other section. So that, in fact, "Constitution with no Slavery," according the form of the ballot, with the seventh sec striken out, is a much more obnoxious Pristriken out, is a much more obnoxiou

and their compatriots of the A nerican I swould the power of his position and the power of his p them to they dust. They have hus far due to the minority, and so of keeping the most of the protest against its usure due to a submission at all, and by which they were trickled in force, although a few of which were still in force, although a few of the most obnoxious of them had been repealed by the second Territorial Legislature at rebellion, then commend me) hencefor hand pealed by the second Territorial Legislature at the instance of Governor Geary, a census and men. It seems the Convention knew their der tones, against the consummation of this cermore, to such rebels and to such received and the such received fearful account awaits those who shall disreduced houn, was slightly over six thousand, more gard these popular appeals. They come forth than half of which, it has been shown, were

> duplicity and the treachery which have been practiced upon the people of Kansas; not-withstanding the Convention refused to submit the Constitution, or any part of it, to a direct vote of the people; notwithstanding all efforts to suppress any and all expression of the public voice upon it, we are not left in the dark upon this subject. We are not left to doubt or conjecture in regard to the judgment and will of the people of Kansas upon this Lecompton Constitution. That judgment and will have rectly, at the last October Territorial election, and once, directly, upon the Constitution itself, on the 4th of January last. At the October election, the people of Kansas, for the first time, through the agency and influence of polls and vote, without serious hindrance or molestation. That election resulted in the signal success of the Free State party, by about four to one, in a spirited canvass, which the Pro-Slavery party turned out in full strength, and polled their entire vote; and when they attempted to return about three times the number of votes they actually cast You all remember the Oxford returns, contain ing some sixteen hundred names, copied from the Cincinnati Directory! And you all know the sequel. The result of this election—the only one in which the relative strength of the two parties had been tested at the polls—was considered, both in Kansas and throughout the country, as decisive of the issue between them, whether Kansas should be a free or a slave State. The result of this election was everywhere considered as virtually settling that ques tion. All men, of all parties, at the North, and many at the South, said that the question was now settled; that Kansas had spoken for herself; that a large majority of her people were in favor of a free State; that it would be in in favor of a free State; that it would be in vain, and worse than in vain, to attempt to resist her will; that she would and must be a free State. This was the language of the people everywhere; and great credit was claimed, as due to the policy of Mr. Buchanan's Administration, for this auspicious result, by the entire Democratic party and the Democratic press throughout the free States.
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> So decisive was this expression of the popular sentiment in Kausas, that many of the delegates—all being Pro-Slavery men—refused to

lar sentiment in Kausas, that many of the delegates—all being Pro-Slavery men—refused to attend the adjourned meeting of the Convention, so that but a quorum of the number were ever reassembled. The impression very generally prevailed that they would now abandon the attempt to frame a Constitution. The Convention was entirely Pro-Slavery, and would not frame a Free-State Constitution; while, to frame a Pro-Slavery Constitution, was only to subject it to certain rejection by the people, if submitted to them agreeably to the generall understanding and promise. It was generally supposed, for a while at least, that under these circumstances they would frame no Constitucircumstances they would frame no Constitution, and thus about half yield to so clear and decisive an expression of the popular judgment. But, despite this manifestation of the popular sentiment in Kansas, and of the prevalent opinion in the country, this bare quorum of the Convention proceeded to business, and this Lecompton contrivance purports to be the fruit of their labors; it purports to be the work of their hands. Leoking at the result of this election hands. Looking at the result of this election alone, can it leave a doubt in the mind of any unprejudiced man as to the popular sentiment in Kansas in respect to this Constitution? Can any man say, in truth and sincerity, that he believes it expresses the will of that people, or even of one-fourth part of that people? I answer for myself. Let others answer for themselves. The report of the majority of the committee hardly alludes to this election—a very significant omission. Mr. GREEN. If the Senator will show wh

that subject was referred to the committee, will then abow why we passed it over. It was never before us; and if any person of the com mittee, as a committee man, has made use of it, he has done so on his own responsibility, and not because the Senate referred that subject to the committee.

the committee.

Mr. FOOT. Why, then, did the Senator make any reference at all to that election in his report? Why did he say that election was held under circumstances peculiarly favorable to the Mr. GREEN. Because it had been used as

well acquainted with the states of feeling and of the continue of the continue

it gave them the only opportunity accorded to them, in which they could vote upon the ques tion of the ratification or rejection of that in-strument. The people improved that only opportunity afforded to them for this purpose, and the result was, a majority of more than ten thousand against the Constitution. That vote stands unimpeached and unimpeachable. Do you desire to know the will of the people upon this subject? Do you desire to know whether it is their free act and deed? Do you desire to know whether they approve or disapprove it? Have you any desire to know whether clearly and indisputably fictitious and fraudulent-a mere repetition of the Oxford fraud at the October election. But, counting them all, we have still an aggregate majority of near five thousand against the Constitution. Is such an expression of the popular will, in reference to the frame of government under which it is proposed they shall live, to be utterly ignored and disregarded? Sir, what becomes of the great fundamental principle of all republican government, that "the majority must rule?" your exposition of your boasted doctrine of popular sovereignty?" Is this what you mean by "the right of the people to govern themselves?" Is this your illustration of the great principles of the Kansas-Nebraska bill, that "the people are left perfectly free to form and regulate their domestic institutions in their own way?"

Say, if you please, that the vote on the 4th of January was not legally authorized! If that were so, is it any the less a clear and emphatic manifestation of the popular judgment upon the Constitution? Cannot you tell about as well what the people think of it, as if the vote had been given under an act which was con-fessedly valid? Say, if you please, that the Territorial Legislature had no authority to give the people an opportunity to vote upon the question of accepting or rejecting the Constitu-tion; if that were so-if such an absurdity be admitted-is that vote any the less to be regarded as an expression of the public voice upon the Constitution? Is it any the less to regarded as an emphatic expression of the

Sir, Congress have always heretofore sais and Mr. Buchanan himself said, in the debate upon the admission of Michigan, that mere forms and modes of proceeding, to ascertain the will of the people in reference to their Constitution framed preparatory to admission into the Union, were not to be regarded as essential, and might be dispensed with. They have always said, the main thing, the essential have always said, the main thing, the essential point of inquiry, the material question, after all, was, does it express the voice of the people? Is it the free act and deed of those who are to live under it, and to be governed by it? In the present case, the vote on the 4th of January places this question beyond all possibility of doubt or controversy. Never was the sentiment of a people upon a vital question in which they were so directly and so deeply i terested, manifested in a manner more cler ore decided, or more unquestionable.

Sir, the will of the people, I say the will of the people, when so clearly and audibly ut-tered, upon a question of this kind, must be respected. The voice of remonstrance and of protestation, when it breaks forth from the spontaneous and aroused action of the people; when it breaks forth directly from the very fountain of power-from the independent when it breaks forth directly from the very fountain of power—from the independent, soverign people themselves—in reference to their proposed fundamental law, is as potential, and as much commands our consideration, as when it is addressed to us through the forms of conventional proceedings. The spontaneous voice of the people must be heard over and above the voice of a usurping minority, though clothed in the form of "regular proceedings." The right of petition, of remonstrance, of protest, is a right guarantied to every American citizen by the Federal Constitution, and awaits not the permission of legislative enactment. The people of Kansas had a perfect right, in the absence of any special law, to express their opinion, their remonstrance, or protest, against this Constitution, either in this way, or in any other they might choose to adopt.

But Mr. Provident the control of the c

other they might choose to adopt.

But, Mr. President, the vote on the 4th of January had the sanction and authority of law. It is worse than idle to say the Territorial Legislature had no authority to provide for, and give an opportunity to, the people to be heard upon this Constitution; to express their will upon it; to accept or reject it. And this was all that the Territorial act did, or attempted to do. It was not an attempt, nor did it authorize any attempt, to modify, change, or destroy the Constitution, as the President is pleased to intimate. It simply afforded an opportunity to the people, and fixed a day and a mode for the treatment of expressions. When the same is the people is a day and a mode for the treatment of expressions and scatter to order that the sick ever information it contains the people, and fixed a day and a mode for them to say whether they yould accept it or the people, and fixed a day and a mode for them to say whether they yould accept it or not; whether they were willing to come into the Union under it or not; whether it was in accordance with their will or not. This was all. Was this illegal? Was this transcending the authority of the Legislature? Was it il-legal and wrong for the Legislature to give the people this privilege; and legal and all right for the Convention to deny them that privilege? Was it illegal for the people to be heard any-how, upon a question so vital to their welfare? that these Southern men had any prejudice against the institution of Slavery; but they thought it not adapted to the soil and climate that Kansas. I have also been told, by persons

that these Southern men had any prejudice against the institution of Slavery; but they thought it not adapted to the soil and climate the Kansas. I have also been told, by persons

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